

***AMENDMENT UNDER 37 C.F.R. § 1.111***  
***U. S. Application No. 09/659,580***

**REMARKS**

As a preliminary matter, Applicant points out that the Office Action summary indicates that one or more PTO-1449 forms were attached to the Office Action. However, Applicant did not receive any 1449 forms. Applicant's representative called the Examiner and left messages asking whether there were supposed to be any 1449 forms attached or if the corresponding box on the Office Action summary was marked incorrectly. Since the Examiner has not responded to these messages at this time, Applicant respectfully requests that the Examiner send a copy of the initialed 1449 forms to the Applicant, when responding to the present Amendment.

Claims 1-26 are all the claims pending in the application, including new claims 17-26 added by the present amendment.

Claims 1, 7, and 12 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tanikawa (EP 0 938 092 A2).

Claims 2-6, 8-11, and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicant respectfully traverses the rejection with the following comments.

Tanikawa relates to an information recording apparatus for recording record information onto a record medium of repeatedly rewritable type, such as a DVD-RW.

Applicant submits that Tanikawa does not teach or suggest all of the limitations of claims 1, 7, and 12 of the present invention. For example, the reference fails to disclose the feature of claim 1 of when the information is recorded according to a simple format, recording, in response to the detected recording status, a recording control data according to the simple format, whose

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U. S. Application No. 09/659,580**

amount is smaller as compared to a predetermined recording control data according to a standard format. The Examiner refers to col. 9, lines 31-50 and col. 10, line 51 - col. 11, line 33 as allegedly disclosing this feature of the claim, but Applicant respectfully disagrees. As disclosed in the cited excerpts, Tanikawa is directed to determining the value of a Last Recorded Address, which is to be recorded as a control data. In the Last Recorded Address, the address which is the maximum in the range of the data previously recorded in the data area 4 (FIG. 2) is described. See col. 9, lines 37-39. In other words, the value of the Last Recorded Address control data is an address. See col. 9, lines 42-45.

Claim 1 of the present invention recites a recording control data whose amount is smaller as compared to a predetermined recording control data according to a standard format. In other words, claim 1 recites recording a recording control data having an amount as claimed. By contrast, Tanikawa is concerned with recording an address of a control data, without regard for the amount of control data to be recorded. Therefore, claim 1 is not anticipated by Tanikawa for at least this reason.

Applicant submits that claims 7 and 12 are not anticipated by Tanikawa for an analogous reason to that presented above for claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U. S. Application No. 09/659,580**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Cameron W. Bedard  
Registration No. 46,545

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON CH-1016

**23373**

CUSTOMER NUMBER

Date: March 26, 2004